

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY
and
RIALTO UTILITY AUTHORITY
MINUTES
November 2, 2004**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, November 2, 2004.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 4:08 p.m.

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The roll was called and the following were present: Mayor Vargas and Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Mayor Pro Tem Wilson and Council Member Robertson were absent.

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CLOSED SESSION

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
 - (a) City of Rialto v. United States Department of Defense, et. al.
(United States District Court Case No. EDVC 04-00079)
 - (b) Veda Mower v. City of Rialto
(San Bernardino Superior Court Case No. SCVSS107190)
 - (c) Stephen Cenicerros v. City of Rialto, et. al.
(San Bernardino Superior Court Case No. SCVSS111682)

CLOSED SESSION

Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:09 p.m. and returned at 4:48 p.m.

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CALL TO ORDER

Mayor Vargas called the meeting to order at 6:05 p.m.

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The roll was called and the following were present: Mayor Vargas, Mayor Pro Tem Wilson, Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Council Member Robertson was absent.

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Pledge of Allegiance and Invocation

Council Member Joe Sampson led the pledge of allegiance. Pastor Jack Montoya – Calvary Chapel of Rialto gave the Invocation.

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CITY ATTORNEY'S REPORT ON CLOSED SESSION

City Attorney Owen stated that in Closed Session the City Council conferred with its attorney regarding each of the three items of pending litigation shown on the Closed Session portion of the agenda. Regarding one of the cases Veda Mower v. City of Rialto, the City Council was advised that the City had received a Motion for Summary Judgment granted in that case and Absent and Appeal that will be the conclusion of the case.

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PRESENTATIONS AND PROCLAMATIONS

Beverly Powell, Representative for So. Cal. Edison stated that Southern California Edison along with Computer Associates provided manpower and dollars to help build a new playground at Lighthouse Christian Academy

Sharon Pierce, Principal at Lighthouse Christian Academy invited City Council to attend the ribbon cutting at 2:30 p.m. on November 13th.

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Mayor Vargas presented Gina Gibson, Planning Department a Proclamation declaring World Town Planning Day.

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Beth George, Planning Commission Chairperson presented the Planning Commission Annual Report.

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PRESENTATIONS AND
PROCLAMATIONS

CONSENT CALENDAR

Sgt. Craig Crispin presented the Code Enforcement Update for the month of October.

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A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 14 (10/01/04)
2. Resolution No. 15 (10/08/04)
3. Resolution No. 16 (10/15/04)

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C. APPROVAL OF MINUTES

1. Regular RDA/City Council and Rialto Utility Authority Meeting – July 6, 2004
2. Regular RDA/City Council and Rialto Housing Authority Meeting – July 20, 2004
3. Regular RDA/City Council Meeting – August 3, 2004

D. SETTING OF PUBLIC HEARINGS

1. Request City Council to set a Joint Public Hearing for the ***November 16, 2004*** City Council Meeting to consider the sale of Authority property to TELACU for development of a senior housing project.

E. MISCELLANEOUS

1. Request City Council to adopt **Resolution No. 5169** approving the Reserve Policy for the General Fund and adopt **Resolution No. 5170** amending the fiscal budget for 2003-2004 to establishes the funding for the Workers' Compensation Fund (IBNR) to transfer funds to the Recreation Fund.
2. Request City Council to adopt **Resolution No. 5171** adjusting the City's Contribution under the Public Employees' Medical and Hospital Care Act.
3. Request the Redevelopment Agency to authorize to exceed the maximum \$35,000 loan amount for a loan amount not to exceed \$50,000 for 895 North Teakwood Avenue as part of the Home Sweet Home/CalHome Program.
4. Request City Council to approve the distribution of \$10,000 Asset Forfeiture Set Aside funds to the Rialto Police Activities League.

CONSENT CALENDAR

E. MISCELLANEOUS (*continued*)

5. Request City Council to make findings of continuing the Emergency for the Acquisition of Wellhead Treatment.
6. Request City Council to make findings of continuing emergency authorized at the September 7, 2004 meeting for the Raw Sewage Clean-up & Facilities Rehabilitation at Fire Station No. 203.

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Item E-4

Mayor Pro Tem Wilson stated that he would like to abstain from voting on Item E-4 – Approval of distribution of \$10,000 Asset Forfeiture Set Aside Funds to the Rialto Police Activities League. He made a personal loan to the Police Activities League to keep the project moving and now since he has financial interest and can no longer vote on this item.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by a 3-0 vote to approve Consent Calendar Item E-4. The vote was; AYES: Mayor Vargas, Council Members Hanson and Sampson. NOES: none. ABSTAIN: Mayor Pro Tem Wilson. ABSENT: Council Member Robertson.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by a 4-0 vote to approve the Consent Calendar as presented with the exception of Consent Calendar Item E-4.

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NEW BUSINESS

TAB 1 – Purchase of four pickup trucks for the Police Department

City Administrator Garcia stated that this a request for the City Council to authorize the purchase of four 2004 Ford 2004 Ranger pickup trucks for a total of \$56,768.73 with associated equipment of \$13,000 and authorize the Police Chief to enter into a rental agreement for one unmarked car, not to exceed \$19,975 over the next three years.

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Motion by Council Member Hanson, second by Mayor Pro Tem Wilson and carried by 4-0 vote to purchase four 2004 Ford Ranger pickup trucks for a total of \$56,768.73 with associated equipment of \$13,000 and authorize the Police Chief to enter into a rental agreement for one unmarked car, not to exceed \$19,975 over the next three years.

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NEW BUSINESS

TAB 2 – Resolutions to consider the formation of the Rialto Landscaping and Lighting District No. 2

Assistant City Administrator Warner stated that this is the second try for the creation of a new Landscaping and Lighting District. On August 3rd they had a proceeding that the vote failed. Since that time they have been working with MuniFinancial and the Developers involved, providing more education and working through the process of looking at the assessments and they now have a successful Landscaping and Lighting District they would like to begin the initiation this evening. This new District is for new development and will not be put into the old District, which currently has problems covering costs. This new District is being created in order for the City to provide the level of service necessary and enough revenue to do this. They have met with the property owners and they have gone over their assessments and feel confident this will be a successful Lighting & Landscaping District.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by a 4-0 vote to adopt **Resolution No. 5172** to initiate proceedings for the formation of the Rialto Landscape and Lighting District No. 2 and the levy and collection of annual assessments; adopt **Resolution No. 5173** for the preliminary approval of the Engineer's Report regarding the formation of the Rialto Landscape and Lighting District No. 2; adopt **Resolution No. 5174** declaring its intention to order the approval of the formation of Rialto Landscaping and Lighting District No. 2, to levy and collect assessments within such district, to conduct a property owner balloting on the matter of new assessments and to set a Public Hearing for the December 21, 2004 City Council Meeting.

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UNFINISHED BUSINESS

TAB 3 – Ordinance No. 1361 – Regulating the use of recycled water

City Attorney Owen stated that in today's Sun Newspaper Article they indicated that this was a "gray water" Ordinance, and focused on one very small provision that might come into play many years from now. This is the second reading of an Ordinance which establishes incentives and encourages and regulates the use of recycled water from the City's Wastewater Treatment Plant. The infrastructure is now in place, paid for by Caltrans, to use this water to irrigate the I-10 Freeway Corridor in front of the City of Rialto and parts of Fontana. An Ordinance must be adopted before recycled water can be used, and the main function is to keep recycled water separate from regular drink water. The rates for the water will be 90% of the normal water rates and without the perchlorate surcharge.

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Council Member Robertson arrived at 6:35 p.m.

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UNFINISHED BUSINESS

**TAB 3 – Ordinance No. 1361 –
Regulating the use of recycled water**

Council Member Sampson requested that City Attorney Owen give an explanation of gray water so that matter will be resolved.

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City Attorney Owen stated that gray water is a phrase typically used by technicians to refer to used shower or sink water. During the drought several years ago some cities allowed gray water tanks so they can irrigate yards. This is not what this is, this is water that has been through the City's wastewater treatment plant, through what is called tertiary treatment, and this water has no detectable amount of anything different than potable water, it's even cleaner than bottled water. Nevertheless it would only be used for irrigation. If the future development occurs near where the recycled water lines are and the City Engineer determines its feasible to use that water on those future developments, the City would have the ability to require that or charge the 50% surcharge. This will not come into play for years to come, right now they are only set up to use it for freeway irrigation.

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Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1361

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIALTO, CALIFORNIA ESTABLISHING INCENTIVES
AND ENCOURAGING AND REGULATING THE USE OF
RECYCLED WATER FROM THE CITY'S WATER
RECYCLED WATER DISTRIBUTION SYSTEM**

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Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adopt Ordinance No. 1361 establishing incentives and regulating the use of recycled water. The vote was: AYES: Mayor Vargas, Mayor Pro Tem Wilson, Council Members: Robertson, Hanson and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 4 – Ordinance No. 1362 –
Approving General Plan Amendment
No. 14 and Specific Plan
Amendment No. 5**

City Administrator Garcia stated that this the second reading of proposed Ordinance No. 1362 approving General Plan Amendment No. 14 and Specific Plan Amendment No. 5

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UNFINISHED BUSINESS

**TAB 4 – Ordinance No. 1362 –
Approving General Plan Amendment
No. 14 and Specific Plan
Amendment No. 5**

Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1362

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, APPROVING AMENDMENT NO. 5 TO THE CENTRAL AREA SPECIFIC PLAN TO CHANGE THE ZONING DESIGNATION ON CERTAIN PROPERTY, FROM SUPPORT COMMERCIAL (SC) TO INCREASED DENSITY RESIDENTIAL, AND THE ADOPTING A NEGATIVE DECLARATION.

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Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adopt Ordinance No. 1362 approving General Plan Amendment No. 14 and Specific Plan Amendment No. 5 to the Central Area Specific Plan. The vote was: AYES: Mayor Vargas, Mayor Pro Tem Wilson and Council Members Hanson, Robertson and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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**TAB 5 – Ordinance No, 1363
adopting the Second Amendment to
the Redevelopment Plan**

City Administrator Garcia stated that this is a second reading requesting the City Council to adopt Ordinance No. 1363 adopting the Second Amendment to the Redevelopment Plan for the Merged Agua Mansa, Central Business District, Gateway, and Industrial Redevelopment Projects.

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Mayor Vargas read the title of the Ordinance:

ORDINANCE NO. 1363

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADOPTING THE SECOND AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MERGED AGUA MANSA, CENTRAL BUSINESS DISTRICT, GATEWAY AND INDUSTRIAL REDEVELOPMENT PROJECTS

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Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adopt Ordinance No. 1363 adopting the Second Amendment to the Redevelopment Plan for the Merged Agua Mansa, Central Business District, Gateway, and Industrial Redevelopment Projects. The vote was: AYES: Mayor Vargas, Mayor Pro Tem Wilson and Council Members Hanson, Robertson and Sampson. NOES: none. ABSTAIN: none. ABSENT: none.

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REPORTS

Council Member Robertson commended the Police Department and the City Clerk's Office for putting together the Red Ribbon Celebration. Over 700 kids from various schools in Rialto participated including St. Catherine's School.

Council Member Robertson stated that she attended the China Buffet Grand Opening on Baseline Rd.

Council Member Robertson stated that Big Mark's BBQ will be having their Grand Opening ceremony soon,

Council Member Robertson encouraged citizens to vote and that there is still time to vote tonight.

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Council Member Hanson stated that the Recreation Department, Rialto Community Players and Rialto Middle School hosted the First Annual Middle School Talent Show.

Council Member Hanson stated that she participated in the Halloween Celebration on Halloween night and they gave away a lot of candy.

Council Member Hanson stated that this Friday night the Rialto Community Players will open the play "Caught in the Net" a British farce and she encourages all to come see it.

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Mayor Pro Tem Wilson expressed their support and sorrow to a member of the Police Department.

Mayor Pro Tem Wilson expressed his concern regarding campaign pot shots towards him from his opponents.

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Council Member Sampson stated that there was a flyer that came out that made an accusation and knows he has nothing to do with the pieces that have gone out regarding Mayor Pro Tem Wilson.

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REPORTS

Mayor Vargas stated that she has run a clean campaign and is not responsible for any bad campaign flyers regarding Mayor Pro Tem Wilson.

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City Administrator Report

City Administrator Garcia expressed his appreciation and thanks to the camera crew.

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ADJOURNMENT

Motion by Council Member Robertson, second by Council Member Sampson and carried by unanimous vote to adjourn the meeting.

The City Council adjourned at 7:00 p.m.

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MAYOR GRACE VARGAS

ATTEST:

CITY CLERK BARBARA A. McGEE, CMC